

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LIBERTARIAN PARTY OF
NEW HAMPSHIRE, et al

Plaintiffs,

v.

GOVERNOR CHRISTOPHER T.
SUNUNU, Governor of the State of
New Hampshire, in his official capacity,

and

WILLIAM M. GARDNER, Secretary of
State of the State of New Hampshire,
in his official capacity,

Defendants.

Civil No. 1:20-cv-00688-JL

**OBJECTION TO PLAINTIFFS' EMERGENCY VERIFIED MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

NOW COMES Governor Christopher T. Sununu, in his official capacity as Governor of the State of New Hampshire ("Governor") and William M. Gardner, in his official capacity as Secretary of State for the State of New Hampshire ("Secretary of State") (collectively "State"), by and through their counsel, the New Hampshire Office of the Attorney General, and respectfully object to the plaintiffs' motion for temporary restraining order and preliminary injunction, and state as follows:

1. The plaintiffs contend that New Hampshire's ballot access statutes, RSA 655:40 and RSA 655:42, as applied to the Libertarian Party of New Hampshire

(“LPNH”) and its candidates during the 2020 General Election, violate their First Amendment rights by imposing a severe burden on their access to the ballot.

Specifically, the plaintiffs contend that the COVID-19 pandemic has made and continues to make it impossible for them to obtain the signatures necessary to get on the ballot for the September 8, 2020 primary election. The plaintiffs seek a preliminary injunction from this Court ordering the State to include their candidates on the ballot.

2. The plaintiffs cannot establish the elements necessary to entitle them to a preliminary injunction. They have no likelihood of success on the merits of this action, they face no risk of immediate and irreparable harm – at least none other than of their own causing, and the public interest favors an uncluttered ballot and enforcement of the requirement that parties seeking ballot access as candidates demonstrate a modicum of public support.

3. The State contemporaneously submits a memorandum of law presenting a detailed factual background and argument in support of this objection, which the State incorporates by reference herein.

WHEREFORE, the State respectfully requests that this Court:

- A. Deny the motion for preliminary injunction; and
- B. Grant such further and other relief as this Court deems just, equitable and proper.

Respectfully submitted,

CHRISTOPHER T. SUNUNU,
GOVERNOR OF THE STATE OF NEW
HAMPSHIRE

and

WILLIAM GARDNER,
NEW HAMPSHIRE SECRETARY OF
STATE

By their attorneys,

GORDON J. MACDONALD
ATTORNEY GENERAL

July 2, 2020

/s/ Daniel E. Will

Daniel E. Will, Bar #12176
Solicitor General

/s/Laura E. Lombardi

Laura E. Lombardi, Bar #12821
Senior Assistant Attorney General

/s/Sean R. Locke

Sean R. Locke, Bar #265290
Assistant Attorney General

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CERTIFICATE OF SERVICE

I, Daniel E. Will, hereby certify that a copy of this objection to plaintiffs' emergency verified motion for temporary restraining order and preliminary injunction was sent via the court's e-filing system to H. Jonathan Meyer, Esquire, counsel for the Plaintiffs.

July 2, 2020

/s/ Daniel E. Will
Daniel E. Will